

With respect to the Information Disclosure Citation and Information Disclosure Statement submitted with the response of September 13, 2002, as discussed by Alex R. Sluzas in a telephonic conference and as agreed by the Examiner, it is respectfully submitted that the documents were submitted in accordance with 37 C.F.R. 1.97. Accordingly, Applicants request that the documents cited on the Information Disclosure Citation and Information Disclosure Statement be considered by the Examiner.

Claims 3 and 5-8 are rejected under 35 USC 103(a) as being unpatentable over Schlack (U.S. 5,201,557) in view of Tedesco (U.S. 4,858,970). This rejection is traversed and reconsideration and withdrawal of the rejection are respectfully requested.

With respect to independent claim 8 upon which all other pending claims depend, the Examiner states that Schlack discloses a slide fastener comprising a housing 22, a lever handle 50 rotatable by an operator between a first position (extended from housing 22) and a second position (inside housing 22). The Office Action states that lever handle 50 is mounted in housing 22 and pawl 96 is mounted for substantially linear motion.

On page 4 of the Office Action, the Examiner concedes that Schlack fails to disclose that the pawl is mounted to travel in a second path in a direction substantially perpendicular to the first path between the intermediate position and the closed position.

The Examiner then opines that it would have been obvious to one of ordinary skill at the time the invention was made to provide the latch of Schlack with first and second pawl paths perpendicular to one another for pawl movement between open, intermediate, and closed positions as taught by Tedesco, in order to make the latch more secure by closing tighter.

Applicants respectfully disagree with the Examiner's position on the grounds the cited combination of references would destroy the intended purpose and destroy the utility of

Schlack's latching mechanism. In addition, it is respectfully submitted that the suggested combination of references is an improper attempt to reconstruct Applicant's invention guided by the hindsight of Applicants' own disclosure.

It is submitted that Schlack's slide fastener cannot be modified as suggested by the Examiner for the purpose stated in the Office Action. What the Examiner has identified as a "pawl" in Schlack is actually one of a plurality of rotatable sleeves 96 mounted on spaced rods 94 extending between the sides 84 of the slide assembly 80. (See col. 4, line 65 to col. 5, line 15 and Figs. 3, 5, and 7). Each of the rotatable sleeves 96 is mounted for contacting a respective "s"-shaped slide keeper 98, having a first leg 97 thereof bolted to the frame 120 of cabinet 100. The second legs 99 of the slide keeper 98 have camming surfaces formed thereon, such that as the slide fastener 10 is closed, the sleeves 96 of the second rods are forced under the second legs 99, thereby compressing the gasket between the door and the frame. Thus, there are a plurality of camming surfaces for forcing each of the rotatable sleeves downward as shown in Fig. 3 to compress the gasket. If there were only one compression point in the latch of Schlack as suggested by the Examiner, then the gasket would be ineffective at a point remote from the compression point.

Tedesco discloses a mechanically complex latch intended for securing aircraft engine cowlings. Tedesco discloses five arms and four links connected by a dozen pivot points. What the Examiner has identified as a pawl is in actuality a hook 28 for engaging a rod-shaped keeper 12. In the complex motion imparted by operation of the latch, in order for the hook 28 to engage the keeper 12, it must first travel upward (counterclockwise in Fig. 8) in an arc around the mounting bushing and then inward, from the position shown in Fig. 7 to the position shown in Fig. 8, while moving in the plane defined by generally cylindrical mounting bushing 14 and the

generally cylindrical keeper 12. Thus, the action of this latch is to pull the mounting bushing and the keeper together.

It is respectfully submitted that one of ordinary skill in the art would recognize that Tedesco's latch would be useless for the intended purpose of Schlack's latch. The latch of Schlack is intended to achieve compression in a direction perpendicular to that in which Tedesco's device is effective. Schlack's actuating lever 50 engages a first rod 92 and rotates around a closely proximate pin 62, the first rod 92, pin 62 and second rods 94 all being generally parallel to each other. However, the compression is not exerted between the second rods 94 and the first rod 92 or the second rods 94 and the pivot pin 62, but rather perpendicular to the linear motion of the slide at multiple points. Applicants submit that the Examiner's proposed incorporation of the features of Tedesco's device into the latch of Schlack would render the latch useless.

Thus, the combination of references set forth in the Office Action as suggested by the Examiner would render Schlack's slide fastener ineffective for its intended purpose. Therefore, Applicants submit that the combination of Schlack and Tedesco does not establish a prima facie case of obviousness.

### **CONCLUSION**

For the reasons discussed above, claims 3 and 5-8 are not obvious from the cited prior art references, but are in condition for allowance.

For the reasons set forth above, Applicants' present invention, as recited in the amended claims now more clearly and particularly, is patentable. Reconsideration and withdrawal of all outstanding rejections and objections in this case is hereby respectfully requested.

If further matters remain in connection with this case, the Examiner is invited to telephone the Applicant's undersigned representative to resolve them.

The Commissioner is hereby authorized to charge any additional fees associated with this communication, or credit any overpayment, to Paul & Paul Deposit Account No. 16-0750.

Respectfully submitted,



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Order # 1406  
Date: April 22, 2003